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Attorneys for Plaintiff  
 Kieva Myers, individually, and on behalf of a class  
 of similarly situated individuals

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

KIEVA MYERS, individually, and on  
 behalf of a class of similarly situated  
 individuals,

Plaintiff,

v.

BMW OF NORTH AMERICA, LLC, ,  
 BAYERISCHE MOTOREN WERKE  
 AKTIENGESELLSCHAFT,

Defendants.

) NO. 3:16-CV-00412-WHO  
 )  
 ) **Hon. William H. Orrick**  
 )  
 ) **AGREED ADMINISTRATIVE**  
 ) **MOTION, STIPULATION AND**  
 ) **ORDER,**  
 ) **CONTINUING HEARING ON**  
 ) **MOTIONS TO DISMISS, ETC. OF**  
 ) **DEFENDANTS BMW OF NORTH**  
 ) **AMERICA LLC AND**  
 ) **BAVERISCHE MOTOREN**  
 ) **WERKKE**  
 ) **AKTIENGESELLSCHAFT**  
 )  
 ) **[Civil L.R. 7-11]**

Plaintiff Kieva Myers (“Plaintiff”) respectfully submits this agreed  
 administrative motion to continue the August 31<sup>st</sup> hearing on Defendants motions to

dismiss and to alter the previous briefing schedule in connection with said motions. This motion is based on the stipulation contained herein and upon any such other matters that his Court deems appropriate.

**UVIRWNCVQIP"**

Plaintiff and Defendants BMW of North America LLC and Bayerische Motoren Werkkke Aktiengesellschaft ("BMW" or "Defendants"), by and through their respective undersigned counsel of record, hereby stipulate and agree as follows pursuant to Northern District of California Civil Local Rule ("Civil Local Rule") 7-11(a):

WHEREAS, Plaintiff filed a first amended complaint on April 12, 2016 [Dkt. 18];

WHEREAS, Defendants filed two separate motions to dismiss directed to the First Amended Complaint on July 20, 2016 [Dkt.'s 21-23];

WHEREAS, Plaintiff needs additional time to prepare the opposition to the two motions;

WHEREAS, BMW is agreeable to continuing the hearing and revising the briefing schedule;

WHEREAS, the parties agreed that the hearing of the motion is hereby continued to September 22, 2016, during the week counsel for BMW represented he is available for the hearing;

IT IS HEREBY STIPULATED AND AGREED that the hearing of the motions to dismiss, presently scheduled for August 31, 2016, is continued to September 22, 2016, and Plaintiff shall file her opposing papers no later than August 18, 2016, while BMW shall file the reply papers no later than September 1, 2016.

**IT IS HEREBY STIPULATED**

DATED: July 25, 2016

LEWIS BRISBOIS BISGAARD & SMITH LLP

By: /s/ Eric Y. Kizirian

Eric Y. Kizirian

Attorneys for Defendant BMW of North  
America, LLC

DATED: July 25, 2016

THE LAW OFFICES OF STEPHEN M.  
HARRIS, P.C.

By: /s/ Stephen M. Harris

Attorney for Plaintiff Kieva Myers

**Civil L.R. 5-1(i) And General Order 45 Certification**

The filing attorney hereby certifies that concurrence in the filing of the document has been obtained from each of the other signatories, in full accordance with Civil Local Rule 5-1(i), and N.D. Cal. Gen. Order 45, Section X(B).

**ORDER**

**J gct lpi 'eqvlpwgf 'q'Ugr vgo dgt '43.'4238'tv4-22't 0 0**

**PURSUANT TO STIPULATION\*cu'b qf Hlgf +, IT IS SO ORDERED.**

DATED: July 26, 2016

  
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HON. WILLIAM H. ORRICK  
JUDGE UNITED STATES  
UNITED STATES DISTRICT  
COURT